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# MEMO ENDORSED

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## VIA ECF

Honorable Lewis A. Kaplan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 21B  
New York, New York 10007

Re: Avion Stinson v. C.O. Reginald Rothwell and C.O. Gregory Lopez,  
18 Civ. 27 (LAK) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney representing defendants Reginald Rothwell and Gregory Lopez (collectively “defendants”). I write to respectfully request that the Court adopt Magistrate Judge Moses’ July 6, 2021 Report and Recommendation (hereinafter “R&R”) in its entirety.

On or about March 6, 2020, defendants filed their motion for summary judgment. *See* Civil Docket Sheet Entry Nos. 121-125, 127. On or about May 15, 2020, June 11, 2020, June 19, 2020, and June 30, 2020, plaintiff opposed that motion, *see* Civil Docket Sheet Entry Nos. 136-138, 143, 144, 147, 148, and defendants replied on July 24, 2020, *see* Civil Docket Sheet Entry No. 149. On July 6, 2021, Magistrate Judge Moses issued a R&R which recommended that defendants’ motion be granted in its entirety against defendants C.O. Stanley Ambrose, Joseph Ponte, Martin Murphy, Michael Blake, and the City of New York. The R&R also recommended that the claims against defendants Reginald Rothwell and Gregory Lopez be dismissed with the exception of plaintiff’s claim that she was subjected to excessive force in the bathroom of the GMDC clinic. *Id. See* Civil Docket Entry No. 151. Further, it was recommended that all of the named, but unserved defendants, be dismissed without prejudice pursuant to F.R.C.P. 4(m). *Id.* At that time, plaintiff was afforded until July 20, 2021 to submit objections. *Id.*

On July 22, 2021, Your Honor issued an Order adopting the R&R in its entirety. A copy of this order was mailed to plaintiff per the docket entry dated July 22, 2021 and no objection was ever received in relation. *See generally* Civil Docket Sheet.

July 22, 2021 R&R  
ORDERED  
is adopted  
LEWIS A. KAPLAN, USDC  
1/24/2022